

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Scott Matthew Huggins

Debtors

C/A No. 23-00184-eg

CHAPTER 13

**SETTLEMENT ORDER
ON MOTION FOR RELIEF FROM
AUTOMATIC STAY**

This matter comes before the Court on the motion for relief from the automatic stay filed by Fifth Third Bank, National Association ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property serving as collateral which is the subject of the motion is described as follows:

4170 Club Course Drive
North Charleston, SC 29420

Upon Movant's certification of the agreement of the parties, it is hereby ORDERED:

As of November 13, 2023 Debtor has accrued a post petition arrearage in the amount of \$14,353.70. The post petition arrearage consists of:

- ☒ Payments for the months of July 1, 2023 through November 1, 2023 in the amount of \$2,733.14 per month.
- ☐ Late charges in the amount of \$_____.
- ☒ Attorney's fees and costs in the amount of \$688.00.
- ☐ Other costs in the amount of \$_____ as described: \$_____.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning December 1, 2023 and continuing thereafter in accordance with the terms of the loan agreement and the Chapter 13 plan.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$14,353.70 as follows:

- ☐ Pay \$_____ by _____.
- ☐ Pay initial payment of \$_____ by _____.
- ☒ Pay \$1,476.25 per month beginning December 1, 2023 for 8 months.
- ☒ Pay final payment of \$1,476.26 by August 1, 2024.
- ☒ Movant will credit the suspense balance in the amount of (\$1,067.44).

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

Fifth Third Bank, National Association
P.O. Box 637640
Cincinnati, OH 45263-7640

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the collateral, including sending any required notice to Debtor(s). This *ex parte* provision shall expire and no longer be effective 24 months from the entry of this order.

Movant has waived any claim arising under 11 U.S.C. § 503(b) or § 507(b).

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- ☐ is applicable to any order granting relief for default on this settlement order.
- ☒ is not applicable to any order granting relief for default on this Settlement Order.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/Ashley Z. Stanley

Ashley Z. Stanley (ID #10329)

John S. Kay (ID #3936)

Alan M. Stewart (ID #7231)

Sarah O. Leonard (ID #12541)

HUTCHENS LAW FIRM LLP

Attorneys for Fifth Third Bank, National Association

P.O. Box 8237 (29202)

240 Stoneridge Drive

Suite 400

Columbia, SC 29210

(803) 726-2700

ashley.stanley@hutchenslawfirm.com

john.kay@hutchenslawfirm.com

alan.stewart@hutchenslawfirm.com

sarah.leonard@hutchenslawfirm.com

/s/Sean P. Markham

Sean P. Markham (ID# 10145)

Attorneys for Debtors

Markham Law Firm, LLC

PO Box 101

Mount Pleasant, SC 29465

Phone: (843) 284-3646

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/Sean P. Markham

Sean P. Markham (ID# 10145)

Attorneys for Debtors

Markham Law Firm, LLC

PO Box 101

Mount Pleasant, SC 29465

Phone: (843) 284-3646